



Sen. John M. Sullivan

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1 AMENDMENT TO SENATE BILL 2587

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2587 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Forestry Development Act is  
5 amended by changing Section 5 as follows:

6 (525 ILCS 15/5) (from Ch. 96 1/2, par. 9105)

7 Sec. 5. A forest development cost share program is created  
8 and shall be administered by the Department of Natural  
9 Resources.

10 A timber grower who desires to participate in the cost  
11 share program shall devise a forest management plan. To be  
12 eligible to submit a proposed forest management plan, a timber  
13 grower must own or operate at least 10 contiguous acres of land  
14 in this State on which timber is produced, except that, no acre  
15 on which a permanent building is located shall be included in  
16 calculations of acreage for the purpose of determining

1 eligibility. Timber growers with Department approved forest  
2 management plans covering less than 10 acres in effect on or  
3 before the effective date of this amendatory Act of the 96th  
4 General Assembly shall continue to be eligible under the  
5 Illinois Forestry Development Act provisions. The proposed  
6 forest management plan shall include a description of the land  
7 to be managed under the plan, a description of the types of  
8 timber to be grown, a projected harvest schedule, a description  
9 of forest management practices to be applied to the land, an  
10 estimation of the cost of such practices, plans for  
11 afforestation, plans for regenerative harvest and  
12 reforestation, and a description of soil and water conservation  
13 goals and wildlife habitat enhancement which will be served by  
14 implementation of the forest management plan.

15 Upon receipt from a timber grower of a draft forest  
16 management plan and fee, the Department shall review the plan  
17 and, if necessary, assist the timber grower to revise the plan.  
18 The Department shall officially approve acceptable plans.  
19 Forest management plans shall be revised as necessary and all  
20 revisions must be approved by the Department. A plan shall be  
21 evaluated every 2 years for reapproval.

22 The eligible land shall be maintained in a forest condition  
23 for a period of 10 years or until commercial harvest, whichever  
24 last occurs, as required by the plan.

25 The Department shall enter into agreements with timber  
26 growers with approved forest management plans under which the

1 Department shall agree to pay a share of the total cost of  
2 acceptable forest management plans and practices implemented  
3 under the plan. The cost share amount is up to 80% of the total  
4 cost of the forest management practices for such practices  
5 approved to be funded from monies appropriated for this purpose  
6 for subsequent fiscal years. Cost share funds shall be paid  
7 from monies appropriated to the Department by the General  
8 Assembly for that purpose from the Illinois Forestry  
9 Development Fund or any other fund in the State Treasury.

10 The Department, upon recommendations made to it by the  
11 Council, may provide for the categorization of forest  
12 management practices and determine an appropriate cost share  
13 percentage for each such category. Forest management practices  
14 submitted by timber growers on whose timber sales fees of 4% of  
15 the sale amount were paid as provided in Section 9a of the  
16 "Timber Buyers Licensing Act", approved September 1, 1969, may  
17 be accorded a priority for approval within the assigned  
18 category. Such timber growers may receive a cost share amount  
19 which is increased above the amount for which they would  
20 otherwise qualify by an amount equal to the fees paid by the  
21 timber grower on sales occurring in the 2 fiscal years  
22 immediately preceding the fiscal year in which the forest  
23 management practices are approved and funded; provided,  
24 however, that the total cost share amount shall not exceed the  
25 total cost of the approved forest management practices.

26 Upon transfer of his or her right and interest in the land

1 or a change in land use, the timber grower shall forfeit all  
2 rights to future payments and other benefits resulting from an  
3 approved plan and shall refund to the Department all payments  
4 received therefrom during the previous 10 years unless the  
5 transferee of any such land agrees with the Department to  
6 assume all obligations under the plan.

7 (Source: P.A. 96-217, eff. 8-10-09; 96-545, eff. 8-17-09.)

8 Section 10. The State Forest Act is amended by changing  
9 Section 6 as follows:

10 (525 ILCS 40/6) (from Ch. 96 1/2, par. 5907)

11 Sec. 6. The Department shall have the authority to take all  
12 measures necessary to secure plants and plant materials from  
13 private sources and to establish and operate nurseries to  
14 produce and distribute plants and plant materials. The  
15 Department shall develop and implement a program of securing  
16 plants and plant materials from private sources. The Department  
17 shall utilize the most modern methods and techniques to operate  
18 its nursery facilities.

19 The plants and plant materials secured or produced shall be  
20 used exclusively for conservation purposes, such as for  
21 wildlife habitat, erosion control, energy conservation,  
22 natural community restoration, general reforestation,  
23 research, commemorative plantings, and educational programs  
24 such as Arbor Day. Plants and plant materials distributed by

1 the State shall not be used for ornamental, landscaping or  
2 shade tree purposes. Plants and plant materials secured or  
3 produced and distributed by the State nurseries are to be  
4 protected against abuses, such as may occur in the event of  
5 livestock grazing or wildfire.

6 The Department may cooperate with any person or group  
7 desirous of establishing plants or plant materials for  
8 conservation plantings by (a) selling ~~furnishing~~ trees,  
9 shrubs, flower seeds or other materials where deemed necessary  
10 or desirable, or (b) providing labor, equipment and technical  
11 supervision to plan and implement the conservation plantings,  
12 or both.

13 Plants and plant materials may be provided, upon approval  
14 of a written management plan, ~~without charge~~ to individual  
15 landowners, State agencies and institutions, local  
16 governments, civic groups and others for conservation  
17 plantings but shall be sold at a price approximately equal to  
18 the cost of acquisition or production and distribution.

19 Plants and plant materials may be provided ~~without charge~~  
20 to government agencies and institutions, organized groups or  
21 individuals for special conservation plantings, research  
22 plantings, educational purposes and commemorative plantings  
23 but shall be sold at a price approximately equal to the cost of  
24 acquisition or production and distribution.

25 Plants and plant materials may be made available to the  
26 general public, mining companies, other industries and

1 agencies of the federal government but shall be sold at a price  
2 approximately equal to the cost of acquisition or production  
3 and distribution.

4 Products such as Christmas trees, roundwood and other  
5 materials derived from State distributed plants or plant  
6 materials may be utilized, sold or removed, except that no such  
7 plants shall be resold, bartered or given away and removed  
8 alive with the roots attached.

9 The Department may effect exchanges, purchases or sales  
10 involving plants and plant materials with other states or with  
11 agencies of the federal government.

12 The Department shall have the authority to make such rules  
13 and regulations pursuant to the Illinois Administrative  
14 Procedure Act as it deems necessary for carrying out,  
15 administering and enforcing the provisions of this Act.

16 (Source: P.A. 91-357, eff. 7-29-99.)".